

Appl. No. 10/800,747
Amdmt. Dated October 6, 2006
Reply to Office Action of July 7, 2006

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REMARKS/ARGUMENTS

The previous amendments to page 26 have been reversed. In particular, there was references to couplers 79,80 that were used to achieve the wavelength dropping function. The Examiner has taken the position that add-drop multiplexers are essential; it is respectfully submitted that the description of Figure 4 as originally filed clearly makes it apparent that couplers are also possible elements for achieving this function. Given that multiple elements have been recited, it is respectfully submitted that a support for a broader claim language has been provided. On this basis, and in addition to Applicant's previous arguments, the Examiner is respectfully requested to withdraw the 35 U.S.C. 112 rejection. The Examiner's position that one skilled in the art would not be able to practice the invention claimed on the basis of the disclosure is simply without merit. Any person skilled in the art with a basic understanding of optical systems would understand the components that could be used to achieve the wavelength dropping function.

Turning now to the 102 rejections, the Examiner has maintained his rejection of claims 1, 2, 4, 5 to 8, 10 to 13, 16 and 21 as being anticipated by Papaparaskeve et al. The Examiner indicates in his response to arguments section that the fact that Papaparaskeve states that "the fiber can be of any type", reads on the claimed limitation of that optical amplification media segments. This is simply not true. An anticipation rejection requires the actual recited element to be present in the reference. All claimed limitations need to be given weight, and in the absence of any reference to optical amplification media segments, this feature is simply not taught in Papaparaskeve. Furthermore, the inclusion of amplification in the optical node, see for example elements 8a, 8b with an optical node 3c in Figure 1 clearly teaches away from the need for the optical segments to be amplification media segment since the amplification function is taking place in the optical nodes.

The Examiner has also pointed to claim 5 as reading on the claim limitation that subsequent to each optical amplification segment respective one or more wavelengths in a respective wavelength range is dropped. With all due respect, claim 5 simply states that "one or more nodes include network management functions such as gain flattening filter, optical power

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monitoring, channel optical add-drop, wavelength switching and routing, re-generation".

Recitation of a system with one or more nodes with such functions does not equate to a system in which there is an optical wavelength dropping function after every amplification media segment.

Again, an anticipation rejection requires exactly what is claimed to be taught in the reference and that is clearly not the case here.

The Examiner has made reference to claims 2, 4, 5, 6 to 8, 10, 11, 12 to 13, 16 and 21 on the section of the Office Action bridging pages 5 and 6, but has not referred to any portion of Papaparaskeve in support of his rejection of these claims under 35 U.S.C. 102. The Examiner is respectfully requested to give weight to all of the limitations of the claims.

As for the 35 U.S.C. 103 rejection of claims 14 and 15, to begin, the Examiner has not established that it is well known that multiple doped fibers in series can be collectively supplied with energy by a single pump. In any case, the Examiner has yet to establish that the arrangement as claimed in the parent claims 1, 2, etc. containing serially connected amplification segment is not new and as such the rejection of claims 14 and 15 is rendered moot.

As for claims 17 to 20, the Examiner has provided no motivation for combining Papaparaskeve and Shimojoh in the manner claimed.

In view of the foregoing, early favorable consideration of this application is earnestly solicited.

Respectfully submitted,

LIJIE QIAO, ET AL

By


Allan Brett

Reg. No. 40,476

Tel.: (613) 232-2486 ext. 323

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